

REMARKS

Claims 63-101 and 113-121 are currently pending, of which claims 63, 93, 113, 120, and 121 are in independent form.

By way of this response, all base claims, i.e., claims 63, 93, 113, 120, and 121, have been amended.

Favorable reconsideration of the present application as currently constituted is respectfully requested.

Regarding the Double Patenting Rejections

In the pending Office Action, various double patenting rejections are maintained over U.S. Patent No. 6,701,378 as well as over co-pending U.S. Patent Application No. 09/928,983 and co-pending U.S. Patent Application No. 10/671,162. Without acquiescing in the asserted double patenting rejections, Applicant respectfully submits that Applicant is willing to file applicable terminal disclaimers in accordance with 37 C.F.R. §1.321 once allowable subject matter in the present patent application is identified. Accordingly, it is requested that the pending double patenting rejections be held in abeyance.

Regarding the Claim Rejections - 35 U.S.C. §112

Applicant appreciates the comments provided in the instant Office Action with respect to the rejection of base claims 63, 93, 113, 120, and 121 under 35 U.S.C. §112. Responsive thereto, Applicant has appropriately amended the base claims by way of the present response. It is therefore believed that the pending §112 rejections have been overcome.

Regarding the Claim Rejections - 35 U.S.C. §102

In the pending Office Action, claims 63-82, 89-90, 93, 94, 96-98, 101, 113-118 and 120-121 stand rejected under 35 U.S.C. §102(b) as being anticipated by AirMobile Communication Server Guide ("AirMobile Software for Lotus cc:Mail Wireless," Motorola Publication, 1995, hereinafter "AirMobile Server"). The Examiner has commented as follows in applicable part with respect to the outstanding §102(b) rejections:

As to claim 63, AirMobile discloses a method of redirecting data messages from a messaging host system (Fig. 1; cc:Mail Post Office Server) to a wireless mobile communication device (fig. 1, wireless cc:Mail Mobile user), comprising the steps of:

...

forwarding a copy of the data message (AirMobile, transferring emails of cc:emails) from the messaging host

system (Fig. 1, Post-Office Server) to a wireless redirector host system (Fig. 1, AirMobile Wireless for cc:Mail Server) via a wide area network connection between the messaging host system and the wireless redirector host system;

. . .

In addition, similar rationale appears to have been applied in the pending Office Action with respect to the rejection of the remaining base claims, i.e., claims 93, 113, 120, and 121, under 35 U.S.C. §102(b).

Applicant respectfully traverses the foregoing rejections and offers the following discussion in support. As described in the *AirMobile* reference, a communication server operable to support wireless email services is provided as a computer that resides on a local area network (LAN). The functionality of the disclosed communication server is limited to managing the wireless communications between wireless mobile users and their LAN-based mailboxes. See, e.g., page 9 of the *AirMobile* reference. The architecture of *AirMobile*, reproduced below for convenience, illustrates the limited application of mobile email delivery in a LAN-based implementation:

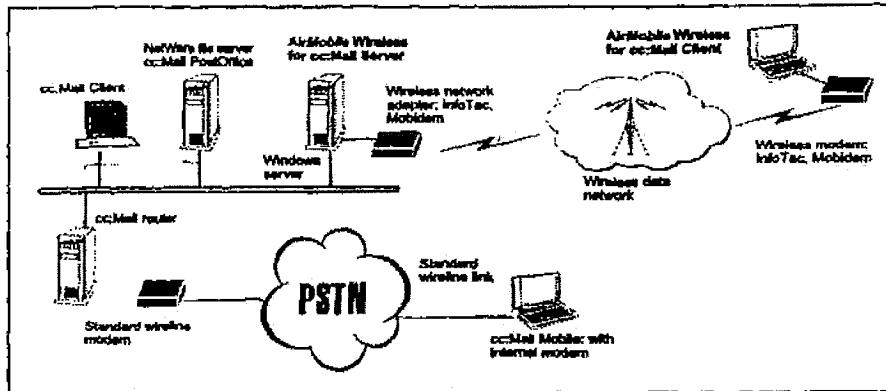


Figure 1-1 AirMobile Wireless Comm Server and Client in a cc:Mail environment

In particular, *AirMobile* provides as follows on page 10:

The communication Server is a LAN-based PC computer that manages the wireless communications between wireless cc:Mail Mobile users and their LAN-based cc:Mail mailbox. The AirMobile Wireless Communication Server for cc:Mail provides wireless cc:Mail Mobile users with a wireless LAN access point.

Regardless of the "server push" message delivery model used by *AirMobile* (see pages 25-27 of the *AirMobile* reference, under subsection heading "Messaging Models" on page 25), the delivery mechanism disclosed therein requires that the communication server (i.e., Comm Server in Figure 1-1) be resident on the same LAN as the mail server (i.e., cc:Mail Post Office).

Applicant respectfully submits that the claimed embodiments of the present patent application are directed to an entirely different architecture for supporting mobile email delivery. Broadly, the embodiments as currently constituted are directed to supporting redirection of data items from a messaging host system to a user's mobile device wherein a wireless redirector system is disposed in an arrangement interfaced with the messaging host system via a wide area network connection. Currently amended base claim 63, excerpted below for convenience, is exemplary:

63. (Currently Amended) A method of redirecting data messages from a messaging host system to a wireless mobile communication device, comprising the steps of:

receiving a data message at the messaging host system, wherein the messaging host system stores the data message in a first message store associated with a user of the wireless mobile communication device;

detecting the data message at the messaging host system;

~~without receiving a request from a wireless redirector host system,~~ forwarding a copy of the data message from the messaging host system to the wireless redirector host system **via a wide area network connection between the messaging host system and the wireless redirector host system;**

storing the data message in a second message store associated with the user of the wireless mobile communication device at the wireless redirector host system;

determining whether the data message stored in the second message store should be redirected from the wireless redirector host system to the wireless mobile communication device; and

if the data message should be redirected, then preparing the data message for redirection and transmitting a copy of the data message from the wireless redirector host system to the wireless mobile communication device. (Emphasis Added.)

In contrast, as set forth hereinabove, *AirMobile* is necessarily limited to a LAN-based connection between the communication server (which appears to be equated with the claimed wireless redirector host system) and the mail server. Accordingly, at least based on the foregoing analysis, base claims 63, 93, 113, 120, and 121 are believed to be allowable over the *AirMobile* reference. Dependent claims 64-82 and 89-90 depend from base claim 63 and are thus in condition for allowance over *AirMobile* for the same reasons. Likewise, dependent claims 94, 96-98 and 101 (depending from base claim 93) and dependent claims 114-118 (depending from base claim 113) are also allowable over the applied art.

Regarding the Claim Rejections - 35 U.S.C. §103

In the pending Office Action, various dependent claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of references applied as follows: (i) *AirMobile* in view of United States Patent No. 6,061,718 to Nelson against claims 83-

86, 99, 100 and 119; (ii) *AirMobile* in view of United States Patent No. 6,185,551 to Birrell et al. against claims 87, 88 and 95; (iii) *AirMobile* in view of the LookSmart article dated January 1996 against claim 91; and (iv) *AirMobile* in view of United States Provisional Patent Application No. 60/132,560 in the names of Herzog et al. against claim 92.

Without acquiescing in the characterization provided in the pending Office Action with respect to the applied art and/or the various claims, Applicant respectfully traverses and submits that the pending §103 rejections have been overcome by the present response. It is noted that the *AirMobile* reference is relied upon as the primary reference for purposes of maintaining the §103 rejections in the present Office Action. As pointed out in the discussion above, *AirMobile* is critically deficient when applied against the pending base claims. On the other hand, the deficiencies of *AirMobile* are not cured by the various secondary references applied with respect to the §103 rejections. Applicant submits that the none of the secondary references, either alone or in any combination, appear to teach or suggest the claimed embodiments wherein a redirector system is interfaced with a messaging host **via a wide area network connection** for effectuating mobile email delivery. In sum, the combined references do not

teach or suggest all the claim limitations for purposes of supporting a §103-based rejection of the pending claims. Further, because *AirMobile* is inherently limited to managing LAN-based mailboxes, it teaches away from implementing such an architecture within the context of managing WAN-based mailboxes, the subject matter of the pending claims. Additionally, to the extent the primary reference, i.e., *AirMobile*, needs to be modified in order to support a *prima facie* case of obviousness, the pending Office Action appears to be deficient insofar as the requisite showing with respect to reasonable expectation of success is concerned.

Based on the foregoing analysis, it is believed that all pending claims of the present application are in condition for allowance over the applied art of record.

Fee Statement

Compared to the highest number previously paid for, the number of independent claims has not increased and the total number of claims has not increased. Applicant is filing herewith a Petition for a Three-Month Extension of Time. Form PTO-2038 is enclosed herewith authorizing payment of \$1,020.00 for a three-month extension of time. Applicant believes no further fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

Summary and Conclusion

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the pending claims, and in further view of the above remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

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Respectfully submitted:

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